

## The Escamilla Case In Court

The issue of U.S. Criminal jurisdiction to try Mario J. Escamilla for the alleged slaying of Bennie Lightsey, station manager on ice island T-3 (Fletcher's Ice Island) on 16 July 1970 was argued before U.S. Federal District Judge Oren R. Lewis in Alexandria, Virginia, on 5 May 1971.

The judge found sufficient grounds for taking jurisdiction and proceeded with the trial. Escamilla was then convicted of involuntary manslaughter. He has appealed.

Following are some observations on the jurisdictional aspect of the case.

1) It was evident throughout the hearings that the presiding judge wished, if possible, to decide the jurisdictional issue exclusively on the basis of U.S. domestic law, and that he was not disposed to address himself to abstruse questions of international law, once the Canadian waiver was on the record. At no point, therefore, did he express firm views on such matters as the international legal significance of T-3's origin, the possibility of permanent "possession" of such an island, the implications of a "ship" analogy as such for ice islands as a class, distinctions if any between ice islands and occupiable ice floes, and a host of other theoretical questions of universal, or at least arctic, applicability that might be considered of interest to an international lawyer.

2) In view of the very real, long continued, and unchallenged activities of U.S. Government agencies and Government grantees on T-3, the factual close connection between that particular ice platform and U.S. interests was so clear that the finding of proper criminal jurisdiction in the Escamilla case should probably not be given too broad a theoretical application.

3) One may argue that the case illustrated the extreme narrowness of the exclusively territorial basis for criminal jurisdiction (exceptions were noted) and that the judge was so troubled at the consequences of applying its pure logic in the Escamilla case that he chose instead to proceed on the basis of practical common sense and social responsibility, leaving it to others to split hairs over the meaning of commas in Section 7 of Title 18 of the U.S. Code or the analogies of ice islands with ships, guano islands, or commercial aircraft flying over the high seas.

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## A List of Vascular Plants from Polaris Bay, Northwest Greenland

The flora of the northwest coast of Greenland, north of 80° is not as well known as that of the northeast coast<sup>1,2</sup>. Wulff<sup>3</sup> collected about 70 species at various locations along the northwest coast between 81°25' and 83°06'N., and Simmons<sup>4</sup> reviewed the earlier collections largely made at points south of 81°N. Two collections are reported from the vicinity of Polaris Bay, on the east side of Hall Basin at about 81°36'-40'N. Bessels<sup>5</sup> lists 22 species collected there in 1872, and Hart<sup>6</sup> lists 22 species collected by himself in May 1876, and in July and August 1876 by Dr. Coppinger of the same expedition. No recent reports are known of collections made in the Polaris Bay area.

On 17 August 1958, I had the opportunity to spend a few hours collecting vascular plants near the shores of Polaris Bay (81°36'N., 61°26'W.). Inland from the Bay a lowland gravel and clay plain extends eastwards towards Newman Bay. Along the coast of the Bay are dry, rocky-gravel and sandy terraces, with no prominent rock outcrops. A major river with its associated gravel and clay terraces and sand bars extends on to the coastal flats. Only a few coastal marshes exist above the intertidal zone which is very unstable owing to the action of large ice floes which are driven ashore. Generally the vegetation is sparse and is largely restricted to local areas favoured by more moisture. Collecting was restricted to the shores of the Bay for a distance of about one kilometre north of the river delta and for a distance of about 400 metres inland, onto the terraces of the lowland plain at a height of about 50 metres above sea level.

### ANNOTATED LIST OF VASCULAR PLANTS

In the following list, the nomenclature of Porsild<sup>7</sup> is used throughout. Specimens of all species collected are deposited in the National Herbarium, Ottawa, Canada. A few species (4) were noted but not collected and have been included in the list for completeness. Distribution records are based on the maps of Porsild<sup>7</sup> and other literature reports. *Alopecurus alpinus* L. 410. Common on wet clay of old estuarine and littoral areas. *Phippsia algida* (Sol.) R. Br. 418. On moist clay flats of old river estuary. *Deschampsia brevifolia* R. Br. 413. Moist littoral clay flats.